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[Additional Counsel on the Signature Block]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DON COPELAND, *et al.*,

Plaintiffs,

v.

ENERGIZER HOLDINGS, INC.; AND
WAL-MART, INC.,

Defendants.

CASE NO. 4:23-CV-02087-HSG

**JOINT STIPULATION AND ORDER TO
EXTEND BRIEFING DEADLINES FOR
DEFENDANTS' MOTION TO STAY
DISCOVERY**

[Caption Continues on Following Page]

1 PORTABLE POWER, INC., on behalf of itself
2 and those similarly situated,

3 Plaintiffs,

4 v.

5 ENERGIZER HOLDINGS, INC.; AND
6 WAL-MART, INC.,

Defendants.

CASE NO. 4:23-CV-02091-HSG

7 KIMBERLY SCHUMAN and KYLE KELLEY,
8 on behalf of themselves and those similarly
situated,

9 Plaintiffs,

10 v.

11 ENERGIZER HOLDINGS, INC.; AND
12 WAL-MART, INC.,

13 Defendants.

CASE NO. 4:23-CV-02093-HSG

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs¹ in the above-captioned cases and Defendants Energizer Holdings, Inc., and Walmart, Inc. (“Defendants”), jointly submit this stipulation and [proposed] order to extend the briefing deadlines for Defendants’ motion to stay discovery (ECF No. 66).²

WHEREAS, Plaintiffs filed complaints against Defendants on April 28, 2023, which have been related and assigned to this Court as of May 23, 2023 (ECF Nos. 1, 22);

WHEREAS, Defendants filed a joint motion to dismiss the complaints on July 31, 2023 (ECF No. 63);

WHEREAS, on August 3, 2023, Defendants filed a joint motion to stay discovery pending the outcome of their motion to dismiss (ECF. No. 66);

WHEREAS, Plaintiffs’ opposition to Defendants’ motion to stay discovery is currently due on August 17, 2023, and Defendants’ reply is due on August 24, 2023;

WHEREAS, the parties are meeting and conferring regarding a potential resolution to Defendants’ motion to stay discovery;

WHEREAS, the parties jointly request an extension of seven days for Plaintiffs’ opposition to the motion to stay and seven days for Defendants’ reply to continue their meet-and-confer efforts;

WHEREAS, the parties have not previously requested an extension related to the motion to stay discovery, and the requested extension will not affect other deadlines in the case.

NOW, THEREFORE, Plaintiffs and Defendants agree, subject to Court approval, to the following briefing schedule for Defendants’ motion to stay discovery:

1. Plaintiffs’ will file their opposition to Defendants’ motion to stay discovery by August 24, 2023.

¹ Plaintiffs are Portable Power, Inc. (“Portable Power”); Kimberly Schuman and Kyle Kelley (the “Schuman Plaintiffs”); and Don Copeland, Joseph Murray, Carol Smith, Patrick Whitney, Phillip Hague, Denise Fotis, Roxann Doriott, Bruce Mims, Lori Ably, Timothy Brown, Peter Costas, and Mike Ballard (the “Copeland Plaintiffs”).

² All ECF No. __ citations are to *Copeland v. Energizer*, No. 23-cv-02087-HSG.

2. Defendants will file any reply in support of their motion to stay discovery by August 31, 2023.

IT IS SO STIPULATED.

Dated: August 17, 2023

Respectfully submitted,

By: /s/ Matthew S. Weiler

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1 Dated: August 17, 2023

Respectfully submitted,

2 /s/ Daniel H. Silverman

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1 Dated: August 17, 2023

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3 /s/ Samuel G. Liversidge

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19 Dated: August 17, 2023

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WALMART, INC.


ECF ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I attest that the concurrence in the filing of this document has been obtained from all other signatories.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/18/2023


Hon. Haywood S. Gilliam, Jr.
United States District Judge